

Introduced by Senator Kuehl

February 18, 2004

An act to amend Section 51182 of the Government Code, relating to fire protection.

LEGISLATIVE COUNSEL'S DIGEST

SB 1369, as introduced, Kuehl. Fire protection: high fire hazard zones.

(1) Existing law requires any person who owns, leases, controls, operates, or maintains any occupied dwelling or occupied structure in, upon, or adjoining any mountainous area, forest-covered land, brush-covered land, grass-covered land, or any land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency, as provided, to, among other things, maintain around and adjacent to the occupied dwelling or occupied structure additional fire protection or firebreaks made by removing all brush, flammable vegetation, or combustible growth that is located from 30 to 100 feet from the occupied dwelling or occupied structure or to the property line, whichever is nearer, as may be required by the local agency if the agency finds that, because of extra hazardous conditions, a firebreak of only 30 feet around the occupied dwelling or occupied structure is not sufficient to provide reasonable fire safety.

This bill would revise those requirements to require those persons to remove all brush, flammable vegetation, or combustible growth that is located within 100 feet from the occupied dwelling or occupied structure or to the property line, or at a greater distance if required by state law, or local ordinance, rule, or regulation.

The bill would require an owner, prior to constructing a new dwelling or structure or reconstructing a dwelling or structure damaged by a fire



in a very high fire hazard severity zone, to certify to the property insurance carrier that insures the dwelling or structure, that the dwelling or structure will be constructed in compliance with all state and local building codes, including specified standards covering fire prevention. Because the bill would expand the definition of a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51182 of the Government Code is
2 amended to read:

3 51182. (a) Any person who owns, leases, controls, operates,
4 or maintains any occupied dwelling or occupied structure in, upon,
5 or adjoining any mountainous area, forest-covered land,
6 brush-covered land, grass-covered land, or any land that is covered
7 with flammable material, which area or land is within a very high
8 fire hazard severity zone designated by the local agency pursuant
9 to Section 51179, shall at all times do all of the following:

10 (1) Maintain around and adjacent to the occupied dwelling or
11 occupied structure a firebreak made by removing and clearing
12 away, for a distance of not less than 30 feet on each side thereof or
13 to the property line, whichever is nearer, all flammable vegetation
14 or other combustible growth. This paragraph does not apply to
15 single specimens of trees, ornamental shrubbery, or similar plants
16 that are used as ground cover, if they do not form a means of
17 rapidly transmitting fire from the native growth to any dwelling or
18 structure.

19 (2) Maintain around and adjacent to the occupied dwelling or
20 occupied structure additional fire protection or firebreaks made by
21 removing all brush, flammable vegetation, or combustible growth
22 that is located ~~from 30 feet to~~ within 100 feet from the occupied
23 dwelling or occupied structure or to the property line, ~~whichever~~



1 ~~is nearer, as may be required by the local agency if the local agency~~
2 ~~finds that, because of extra hazardous conditions, a firebreak of~~
3 ~~only 30 feet around the occupied dwelling or occupied structure~~
4 ~~is not sufficient to provide reasonable fire safety or at a greater~~
5 ~~distance if required by state law, or local ordinance, rule, or~~
6 ~~regulation. This section does not prevent an insurance company~~
7 ~~that insures an occupied dwelling or occupied structure from~~
8 ~~requiring the owner of the dwelling or structure to maintain a~~
9 ~~firebreak of more than 100 feet around the dwelling or structure if~~
10 ~~a hazardous condition warrants such a firebreak of a greater~~
11 ~~distance. Grass and other vegetation located more than 30 feet~~
12 ~~from the dwelling or structure and less than 18 inches in height~~
13 ~~above the ground may be maintained where necessary to stabilize~~
14 ~~the soil and prevent erosion.~~

15 (3) Remove that portion of any trees that extends within 10 feet
16 of the outlet of any chimney or stovepipe.

17 (4) Maintain any tree adjacent to or overhanging any building
18 free of dead or dying wood.

19 (5) Maintain the roof of any structure free of leaves, needles,
20 or other dead vegetative growth.

21 (6) Provide and maintain at all times a screen over the outlet of
22 every chimney or stovepipe that is attached to any fireplace, stove,
23 or other device that burns any solid or liquid fuel. The screen shall
24 be constructed and installed in accordance with the California
25 Building Standards Code.

26 (7) *Prior to constructing a new dwelling or structure that will*
27 *be occupied or rebuilding an occupied dwelling or occupied*
28 *structure damaged by a fire in such zone, the owner shall certify*
29 *to the property insurance carrier that insures the dwelling or*
30 *structure that it will be constructed in compliance with all*
31 *applicable state and local building standards, including those*
32 *described in subdivision (b) of Section 51189.*

33 (b) A person is not required under this section to maintain any
34 clearing on any land if that person does not have the legal right to
35 maintain the clearing, nor is any person required to enter upon or
36 to damage property that is owned by any other person without the
37 consent of the owner of the property.

38 SEC. 2. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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